

REMARKS

Summary of the Office Action

Claims 55, 57, 58, 60, 61 and 63-66 are pending in this application.

Claims 55, 58 and 61 are amended.

New claims 64-66 are added. No new matter has been entered by the addition of claims 64-66.

Claims 55, 57, 58, 60, 61 and 63 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,182,287 (hereinafter "Schneidewend").

Reply to the §102(e) Rejection

In the Final Office Action the Examiner rejects the pending claims 55, 57, 58, 60, 61 and 63 under 35 U.S.C. § 102(e) over Schneidewend. In reaching this erroneous conclusion, the Examiner misconstrues Schneidewend's "favorite services list" as being relevant to the "history list" recited in the present independent claims 55, 58 and 61. The Examiner's rejection is respectfully traversed.

Claim 55 as amended specifies a history list that includes in its list each accessed resource, program guide display, or website that is accessed a single time. In claim 55, each resource that is accessed is included in a history list, even if it is accessed only a single time. Claim 55 recites at least the following elements, (similar elements also appear in the other pending independent claims 58 and 61.)

- in response to receiving a fourth indication, providing a history list of the plurality of resources that includes each of:
- (i) the program guide display having data from the program guide database, wherein accessing the program guide display a single time in response to the first indication causes the program guide display to be included in the history list,
- (ii) the web site from the Internet, wherein accessing the web site a single time in response to the second indication causes the web site to be included in the history list, and

- (iii) the resource other than the accessed program guide display or the accessed web site, wherein accessing the resource a single time in response to the third indication causes the resource to be included in the history list;

According to Schneidewend, a favorites list may include "(a) predetermined user preferences or (b) records of the most frequently used services." (Schneidewend, col. 5, lines 63-67.) Thus, in Schneidewend, the favorites list can include user preferred content, or a user's most frequently used services. Schneidewend's favorites list is not the same as a history list that includes each accessed resource when it is accessed a single time. For example, a Schneidewend favorites list differs from the history list specified in claim 55 because a resource accessed a single time in Schneidewend would not be added to the favorites list.

In contrast, claim 55 specifies that each of the items included in the history list is caused to be included in the history list when it is accessed a single time. Claim 55 recites that "accessing the program guide display a single time... causes the program guide display to be included in the history list... accessing the website a single time... causes the website to be included in the history list... [and] accessing the resource a single time... causes the resource to be included in the history list." The act of accessing an item a single time in the Schneidewend system would not cause it to be added to a favorites list. In Schneidewend, only items determined to be user preferred or records that are most frequently used are added to Schneidewend's favorites list. Thus, Schneidewend does not disclose all of the elements of claim 55.

In the Final Office Action response to arguments at page 2, the Examiner traverses applicants' prior arguments in respect of the claimed invention allegedly not requiring a user instruction to add a resource to a history list. The Examiner notes on page 2 that the "claims do not recite 'requires no user

instruction to add a resource to the history list', but instead the claim recites '...in response to the first indication causes the program guide display to be included in the history list...' (Final Office Action, page 2.) This statement overlooks the element of claim 55 that specifically recites that "accessing the program guide display a single time in response to the first indication causes the program guide display to be included in the history list." Claim 55 does not require user instructions to add a resource to a history list. Rather, the method requires a first indication to be received to access a resource, and accessing the resource a single time causes it to be included in the history list.

New dependent claims 64-66 specify that a history list includes each resource each time it is accessed. As discussed above, Schneidewend only adds an item to a favorites list based on predetermined user preferences or records of most frequently used services. (Schneidewend, col. 5, lines 63-67.) Schneidewend's favorites list includes favorite items once, even if it is a most frequently used service. (Schneidewend, FIGS. 3-4.) Thus, Schneidewend does not describe the elements recited in dependent claims 64-66.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that claim 55 is allowable over Schneidewend. Independent claims 58 and 61 include the above mentioned elements in common with claim 55 which are also patentable for the same reasons. Dependent claims 57, 60 and 63-66 are also patentable for the same reasons discussed herein. Withdrawal of the rejections of the pending claims and allowance of this application are respectfully requested.

Respectfully submitted,

_____/Pristine Johannessen/
Pristine Johannessen
Registration No. 55,302
Attorney for Applicants
Ropes & Gray LLP
Customer No. 75563